

TITLE 6: BUILDING REGULATIONS
DIVISION 3: BUILDING REGULATIONS
Chapter 6: BUILDING AND PROPERTY REHABILITATION
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63.061 Scope.

(a) General. The provisions of this chapter shall apply to all substandard or unsafe buildings and substandard property.

(b) Existing Buildings. Occupancies in existing buildings may be continued as provided in Section 104 of the Uniform Administrative Code and the Uniform Code for Building Conservation except in such structures as are found to be substandard or unsafe as defined in this chapter and ordered vacated.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.062 Definitions.

(a) CODE shall mean the San Bernardino County Code and those provisions of the Uniform Building Code, the Uniform Administrative Code, the Uniform Code for Building Conservation, the Uniform Plumbing Code, the Uniform Mechanical Code and the National Electrical Code adopted by reference in this Code.

(b) DIRECTOR shall mean, unless otherwise stated, the Director of the Department of Building and Safety of the County of San Bernardino.

(c) SUBSTANDARD BUILDING or SUBSTANDARD STRUCTURE shall mean any building or structure which is unfit for human use or occupancy or which constitutes a hazard to persons or property due to any one or number of conditions described in § 63.063 of this chapter.

(d) SUBSTANDARD PROPERTY shall mean any building, grounds or premises which is detrimental to the public welfare due to any one or number of conditions described in § 63.064 of this chapter.

(e) UNSAFE BUILDING or UNSAFE STRUCTURE shall mean any building or structure as defined in Section 203 of the Uniform Administrative Code or in § 63.065 of this chapter.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.063 Substandard Conditions.

Substandard building conditions shall include, but are not limited to, the following:

(a) INADEQUATE SANITATION:

- (1) Lack of hot and cold running water to plumbing fixtures in a hotel or dwelling unit;
- (2) Lack of the minimum amounts of natural light and ventilation required by this code;
- (3) Room and space dimensions less than required by this code;

- (4) Dampness of habitable rooms;
- (5) Violation of any applicable provision of this code as determined and reported to the Director by the San Bernardino County Department of Environmental Health Services.
- (b) **STRUCTURAL HAZARDS:**
 - (1) Deteriorated or inadequate foundations
 - (2) Defective, deteriorated or inadequate size flooring and/or floor supports;
 - (3) Defective, deteriorated or inadequate size members of walls, partitions or other vertical supports;
 - (4) Defective, deteriorated or inadequate size ceiling, roof, or other horizontal supports;
 - (5) Defective, damaged or inadequately constructed fireplace or chimney.
- (c) **INADEQUATE OR HAZARDOUS WIRING:**
 - (1) Lack of required electrical lighting or convenience outlets. In existing residential occupancies, every habitable room is required to contain at least two (2) supplied electric convenience outlets or one (1) such convenience outlet and one (1) supplied electric fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hallway in such occupancies are required to contain at least one (1) supplied electric fixture;
 - (2) All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.
- (d) **INADEQUATE OR FAULTY PLUMBING:**
 - (1) Lack of plumbing fixtures required elsewhere in this code;
 - (2) All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross connection.
- (e) **INADEQUATE OR FAULTY MECHANICAL EQUIPMENT;**
 - (1) Lack of safe, adequate heating facilities in a dwelling, apartment house or hotel;
 - (2) Lack of, or improper operation of, required ventilating equipment;
 - (3) All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition.
- (f) **FAULTY WEATHER PROTECTION;**
 - (1) Lack of a sound and effective roof covering;
 - (2) Lack of a sound and effective exterior wall covering;
 - (3) Broken windows and doors;
 - (4) Deteriorated or ineffective waterproofing of foundation walls or floor.
- (g) **FAULTY MATERIALS OF CONSTRUCTION.** Any material of construction except those which are allowed or approved by this code and which have been adequately maintained in good and safe condition.
- (h) **UNSAFE BUILDING.** Any building or portion thereof which is determined to be an unsafe building as defined in this chapter.
- (i) **ABANDONED BUILDINGS.** Buildings which are abandoned, boarded up, partially destroyed, or left in a state of partial construction for an unreasonable length of time.
- (j) **INADEQUATE EXITS.** All building or portions thereof not provided with exit facilities as required by this code except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and provide adequate safe exits for the building occupants.
- (k) **FIRE HAZARD.** Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
- (l) **INADEQUATE FIRE PROTECTION OR FIRE-FIGHTING EQUIPMENT.** All buildings or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing system or equipment required by this code, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems and equipment provide adequate fire safety.
- (m) **IMPROPER OCCUPANCY.** All buildings or portions thereof occupied or used for any purpose for which they were not designed or intended to be used.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.064 Substandard Property.

Buildings, grounds, or premises maintained in such a manner that any one or more of the following conditions are found to exist, shall constitute substandard property:

- (a) Substandard buildings or structures;
- (b) Unpainted buildings causing dry rot, warping, splitting, or termite infestation;
- (c) Broken windows and doors constituting hazardous conditions and inviting trespassers and malicious mischief;
- (d) Overgrown trees and other vegetation.
 - (1) Dangerous to public safety and welfare; or
 - (2) Causing detriment to neighboring properties and property values.

- (e) Dead trees, weeds and debris:
 - (1) Dangerous to public safety and welfare; or
 - (2) Detrimental to nearby property or property values.
- (f) Attractive nuisances dangerous to children in the form of, but not limited
 - (1) Abandoned and broken equipment; or
 - (2) Hazardous pools, ponds and excavations; or
 - (3) Neglected machinery, broken or discarded furniture and household equipment, stoves, refrigerators, freezers, cans, packing boxes and similar debris.
- (g) Neglect of premises causing detrimental effect upon nearby property or property values.
- (h) Maintenance of premises in such condition as to be detrimental to the public health, safety or general welfare, and in such a manner as to constitute a public nuisance.
- (i) Property including, but not limited to, building exteriors which are maintained in such condition as to become so defective, unsightly, or in such condition of deterioration or disrepair that the same causes appreciable diminution of the property values of surrounding property or is materially detrimental to proximal properties and improvements. This includes, but is not limited to, the keeping or disposing of or the scattering over the property or premises of any of the following:
 - (1) Lumber, junk, trash or debris;
 - (2) Abandoned, discarded or unused objects or equipment such as automobiles, trailers, campers, boats, bus bodies, and similar objects or equipment.
- (j) Any wall, fence or hedge in such condition as to constitute a hazard to persons or property or to cause depreciation in the value of any adjacent or nearby property.
- (k) Any premises upon which there exists or is conducted, maintained, or permitted any public nuisance known at common law or in equity jurisprudence, including, but not being limited to, abandoned or unused wells, shafts, basements, excavations or foundations.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.065 Unsafe Conditions.

For the purpose of this chapter, any building or structure which has any or all of the following defects shall be deemed an unsafe building or structure:

- (a) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half (1 1/2) times the working stress or stresses allowed in this code, for new buildings of similar structure, purpose or location;
- (b) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of this code, for new buildings of similar structure, purpose, or location;
- (c) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;
- (d) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half (1/2) of that specified in this code for new buildings of similar structure, purpose or location, without exceeding the working stresses permitted in this code, for such buildings;
- (e) Whenever any portion thereof has cracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction;
- (f) Whenever the building or structure, or any portion thereof, because of
 - (1) dilapidation, deterioration, or decay,
 - (2) faulty construction,
 - (3) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building,
 - (4) the deterioration, decay or inadequacy of its foundation, or
 - (5) any other cause is likely to partially or completely collapse;
- (g) Whenever, for any reason, the building or structure or any portion thereof, is manifestly unsafe for the purpose for which it is being used;
- (h) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third (1/3) of the base;
- (i) Whenever the building or structure, exclusive of the foundation, shows thirty-three percent (33%) or more damage or deterioration of its supporting member or members, or fifty percent (50%) damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings;

(j) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion, less than fifty percent (50%), or in any supporting part, member, or portion less than sixty-six percent (66%) of the

- (1) strength,
- (2) fire-resisting qualities or characteristics, or
- (3) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.066 Determination by Department of Building and Safety.

Whenever the Director determines by inspection that any existing building or structure or portion thereof is unsafe, dilapidated, deteriorated, unmaintained and substandard as defined in this chapter, or any lot or other premises is unsafe, or is dilapidated, deteriorated, unmaintained and substandard as defined in this chapter, such structure or premises or both are hereby declared to be a public nuisance and the Director shall order the abatement of the nuisance by demolition, repair, or rehabilitation.

Adopted Ordinance #1702 (1972); Amended Ordinance #2001 (1975); Amended Ordinance #3462 (1991);

63.067 Notice of Defects.

The director shall give written "Notice of Defects" to all owners of record and any tenants in event possession thereof, stating the defects thereof. This "Notice of Defects" may require the owner or person in charge of the building or premises, within ten (10) days to file a request for a hearing in the manner described herein, or to commence either the required repairs or improvements, or demolition and removal of the building or structure or portion thereof, and elimination of the conditions which cause the property to be unsafe, or substandard. If a hearing is requested and held and the decision of the Board of Appeal is that repair, improvement, removal, or demolition is required, such work shall commence within forty-eight (48) hours after a copy of the Board of Appeal's order has been delivered to the applicant requesting the hearing, or has reached the address given by the applicant for hearing, or if no hearing is requested, within ten (10) days from receipt of the original notice mentioned above, or if such notice is by posting, within ten (10) days following the date of posting. In either case, all required work shall be completed within thirty (30) days from receipt of said notice or copy of the Board of Appeal's order, whichever is later, unless otherwise ordered by the Board of Appeal or extended by the director. Such notice may also require the building or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the director.

The word "demolition" as used in this chapter shall include removal of the resulting debris from such demolition, the back-filling of the sewage disposal system, if any, and the protection of excavations such as basements, cellars, swimming pools, shafts, or wells, by filling or suitably fencing or capping.

Whenever a structure or portion thereof is determined to be in an unsafe condition or in an unoccupied, vandalized and damaged condition, the director may request that service of combustible fuel and electricity be disconnected by the respective serving utilities, and the serving utilities shall perform such disconnect within the time limit set forth in the request and shall not reestablish service until so authorized by the director.

Adopted Ordinance #1702 (1972); Amended Ordinance #2001 (1975); Amended Ordinance #3462 (1991);

63.068 Service of Notice of Defects.

The Notice and Order, and any amended or supplemental notice and order, shall be served upon the recorded owner, and one (1) copy thereof shall be served on each of the following if known to the director or disclosed from official public records:

- (a) the holder of any mortgage or deed of trust or other lien or encumbrance of record;
- (b) the owner or holder of any lease of record; and
- (c) the holder of any other estate or legal interest of record in or to the building or the land.

As used in this paragraph, all reference to "record" means matter of record in the Office of the Recorder of San Bernardino County which definitely and specifically describes the premises involved. The failure of the director to serve any person, required herein to be served, shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such duly served person from any duty or obligation imposed by the provisions of this section.

Service of the Notice and Order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at his or her address as it appears on the last equalized assessment role of the County or as known to the director. If no

address of any such person so appears or is known to the director, then a copy of the Notice and Order shall be so mailed, addressed to such person, at the address of the property involved in the proceedings, or posted on the building or premises involved.

A title search may be conducted by or for the director to determine the proper person or persons to whom the original Notice of Defects should be sent.

Adopted Ordinance #1702 (1972); Amended Ordinance #2001 (1975); Amended Ordinance #3462 (1991);

63.069 Proof of Service.

Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail, shall be affixed to the copy of the notice and order retained by the director.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.0610 Posting of Signs.

The director may cause to be posted at each building, a notice to read:

DO NOT ENTER.
UNSAFE TO OCCUPY.
Building and Safety Department
County of San Bernardino

Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be moved without written permission of the director and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.0611 Notice of Pendency.

Notice of Pendency of the Administrative Proceeding may be recorded in the Office of the Recorder of the County of San Bernardino as provided by law and shall constitute notice to any subsequent purchaser or encumbrancer of property involved in said proceeding, and he or she shall be bound by the proceeding herein described in the same manner as if he or she had been the owner at the time of commencement of the proceeding and had been properly served at that time.

After all required work has been completed and approved, the director shall record in the Office of the County Recorder a document terminating the above notice.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.0612 Public Hearing and Board of Appeal.

(a) PUBLIC HEARING. Original notice as provided in §63.068 shall also state application may be made within thirty (30) days of notification, for a hearing before the Board of Appeal to determine whether the structure or property is a public nuisance and whether the action demanded in said notice is necessary to comply with the requirements of this chapter. The appeal shall use the form provided by the Director of Building and Safety in addition to any other supporting materials the applicant may wish to furnish setting forth the reasons for the appeal.

(b) BOARD OF APPEAL. The Board of Appeal shall be the Board established by §63.012(b) of the San Bernardino County Code.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.0613 Determination and Finding.

The determination and finding required in §63.0612 shall be made in writing, and a copy of that determination shall be sent to all owners and tenants appearing at the hearing and giving addresses for this purpose. If no owner or tenant appears at the hearing, the Board of Appeal shall nevertheless make its determination and the director shall give notice of the decision to the applicant by mail, to the address or addresses given in the application for hearing.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.0614 Work by County.

In case the owner shall fail, neglect or refuse to comply with such notice to repair, rehabilitate, vacate, demolish or remove said building or structure or portion thereof, or if the owner refuses to comply with the determination of the Board of Appeal, the Board of Supervisors may order the owner of the structure prosecuted as a violator of the provisions of this code, and/or may order the Director of Building and Safety to proceed with any work specified in such notice.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.0615 Emergency Procedure.

Whenever any portion of a structure constitutes an immediate hazard to life or property, and in the opinion of the director the conditions are such that repairs or demolition must be undertaken within less than the designated period, he or she may make such alterations or repairs, or demolish such portions of the structure as are necessary to protect life or property, or both, after giving such notice to the parties concerned as the circumstances will permit or without any notice whatever when, in his or her opinion, immediate action is necessary.

Whenever, in the opinion of the director, extreme and imminent hazards exists, he or she shall order the occupants, if any, immediately to vacate and, in the event vacation is not voluntarily obtained, shall direct the law enforcement agency having jurisdiction to effect forthwith such vacation.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.0616 Notification to Board of Supervisors.

Whenever emergency action in §63.0615 is taken, the director shall submit to the Board of Supervisors, a written report indicating the location and ownership of the violating building or structure or portions thereof and reasons requiring such emergency action. A copy of this report shall be attached to, or included as a part of, notice to the owner of record and tenants when notice is given as previously provided in this chapter.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.0617 Costs.

The costs involved in the demolition or other work by the Director, including in addition to other costs the applicable processing costs as set forth in §16.024(f)(13) of this code, shall become a special assessment against the property.

If the total assessment determined as provided for in this section is not paid in full within ten (10) days after mailing of such notice to the record owner, the director shall record in the official records a statement of the total balance still due and a legal description of the property. From the date of such recording, such balance due shall be a special assessment against the property.

Adopted Ordinance #1702 (1972); Amended Ordinance #2001 (1975); Amended Ordinance #3462 (1991);

63.0618 Collection.

The assessment shall be collected at the same time and in the same manner as ordinary taxes within the County of San Bernardino are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary County taxes. All laws applicable to the levy, collection and enforcement of County taxes shall be applicable to such special assessment.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.0619 Salvage.

If a building is demolished or necessary work done by the County of San Bernardino pursuant to the provisions of this chapter, the value of any salvage resulting from such demolition or other work may be applied to the cost of such work as follows:

(a) If the County enters into a contract with a private contractor, the County may provide in such contract that, as a part of the consideration for the services rendered, the contractor shall take title to such salvage, unless the owner takes possession of the material and notifies the County of such possession at the time of demolition.

(b) If the contract does not so provide, or if the County does the work without such a contract, the County may take title to such salvage and credit the reasonable value thereof on the costs incurred by the County.

This section is permissive only and does not require that the value of such salvage be applied to the cost of the work.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.0620 Interference Prohibited.

A person shall not obstruct, impede, or interfere with the Director or any representative of the director, or with any person who owns or holds any interest or estate in an unsafe or substandard building which has been ordered by the director to be barricaded, repaired, vacated and repaired, or vacated and demolished or removed, or in any substandard property whenever the director or such owner is engaged in barricading, repairing, vacating and repairing, or demolishing any such unsafe or substandard building or removing any substandard conditions, pursuant to this chapter, or in the performance of any necessary act preliminary to or incidental to such work, or authorized or directed pursuant hereto.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.0621 Penalty.

In case the owner shall fail, neglect or refuse to comply with the directions in the Notice of Defects (if neither he or she nor any other person requests a hearing) or with any order of the hearing officer, he or she shall be guilty of an infraction and each day or portion thereof such violation is in existence shall be a new and separate offense. Upon conviction, the penalty for such offense shall be a fine not exceeding fifty dollars (\$50) for a first violation, a fine not exceeding one hundred dollars (\$100) for a second violation within one (1) year, and a fine not exceeding two hundred and fifty dollars (\$250) for a third violation within one (1) year. The fourth and additional violations within one (1) year shall each constitute a misdemeanor and shall be punishable by a fine of five hundred dollars (\$500) or six (6) months in jail, or both. Payment of any penalty herein provided shall not relieve the defendant from the responsibility of correcting the condition of the violation.

Adopted Ordinance #1702 (1972); Amended Ordinance #2771 (1983); Amended Ordinance #3462 (1991);

63.0622 Other Abatement Procedures.

The provisions of this chapter shall not in any manner limit or restrict the San Bernardino County Counsel or the San Bernardino County District Attorney from enforcing the San Bernardino County Code or abating public nuisances in any other manner provided by law.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);